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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,272	02/03/2000	David W. LaFore	J99.10	7295

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EXAMINER

BUI, THACH H

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 06/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/497,272

Applicant(s)

LAFORE ET AL.

Examiner

Thach H Bui

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 11 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The indicated allowability of claims 1-10, 14-48 is withdrawn in view of the newly discovered reference(s) to Hawkins et al. Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10, 13-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Hawkins et al. (U.S. Patent No. 5,497,317).

As per claim 1, Hawkins et al. teach a security trade settlement device having a data processing system for managing broker transaction comprises a computer processor (col. 4, line 65-col. 5, line 12), a storage mean (24) for storing data on a storage medium, and a communication means (col. 4, lines 34-36) for transmitting and receiving data in a secure environment (security coding system) (col. 9, line 16) to and from various locations (see Figure 1). Hawkins et al. teach a mean for creating trade data concerning about a particular trade in the form of a trade record, a mean for reviewing the trade data, and for approving/disapproving the trade record (col. 6, line 64-col. 8, line 2) and a mean for maintaining security measures (security coding system) for data processing system to prevent unauthorized access and use of the trade data.

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Hawkins et al. do not explicitly mention software in creating trade data concerning about a particular trade in the form of a trade record, reviewing the trade data, and for approving/disapproving the trade record and maintaining security measures for data processing system to prevent unauthorized access and use of the trade data in a numerical order: first, second and third. It is inherent and/or well known to assign software in a numerical order for inventory, tracking purposes and etc.

As per claims 2-5, Hawkins et al. teach a mean for inputting and storing trade data on the storage mean system (24), a mean for monitoring the changes and/or modifications of the trade data and/or trade activities in respective trade records which are created by the computer software means (col. 3, lines 11-19) (col. 4, lines 46-51) (col. 5, lines 39-43). Hawkins et al. teach trading participants (i.e. brokers, custodians, and institutions) (see Figure 1) includes the participants' system terminals. Each of these terminals includes a unique name (IDs, see Figure 2) or acronym identifying it as the transmitter or recipient of messages over the system and each terminal includes application software for maintaining and operating central database (col. 4, lines 45-51). Therefore, it is inherent that Hawkins et al. teach a mean for monitoring log-ins of the participants to the system and a mean for monitoring the activity of brokers i.e. participants who enter trade data through the computer software means.

As per claims 6-10, Hawkins et al. teach a mean to provide periodic reconciliation reports which include e.g. the number of shares of each different security bought, sold and owned by each of the institutions' accounts during the period, the current share price and the share price at each of the transactions. Therefore, it is inherent that

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Hawkins et al. teach a mean for outputting information regarding a particular trade, a trade blotter and/or securities blotter, and buy sell tickets regarding securities.

As per claims 13-20, Hawkins et al. have all the features of the invention (as mentioned above). Hawkins et al. also teach a mean to add and/or change delivery instruction sets on the database (col. 3, lines 26-27) (i.e. manipulating trade record electronically), and a mean to input/output (display) via input/out devices (col. 4, line 41-42) amended trade data with the changed element.

As per claims 21-23, the claims contain features addressed in the above claims (1-20), and therefor, are rejected under the same rationale.

As per claims 24-27, Hawkins et al. have all the features of the invention (as mentioned above) and further, Hawkins et al. teach a mean to send and receive e-mail (col. 3, line 30).

As per claims 28-48, the claims contain features addressed in claims 1-27, and therefore, are rejected under the same rationale.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Beaulieu et al. is cited of general interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063. The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough, can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

T.B.  
June 2, 2003

A handwritten signature in black ink, appearing to read 'Jeffrey PWU', with a stylized flourish at the end.

**JEFFREY PWU**  
**PRIMARY EXAMINER**